

Docket No. AVERP3012US

Serial No. 09/915,624

**REMARKS**

Upon entry of the present Reply, claims 1-3 and 6-35 are pending in the present application. Claims 8 and 21 have been withdrawn from consideration. Claims 4 and 5 are cancelled herein.

Claims 1-3, 5-7, 9-18, 20, 22-24 and 26-33 are amended herein.

Claims 2-7, 9-13, 15-18, 20, 22-24, 26 and 28-31 are amended to correct the preamble in response to the Examiner's identification of the error in referring to the resealable container rather than resealable closure, as in the independent claims.

Claims 1, 14, 32 and 33 are amended to specify that the releasable adhesive is a pressure-sensitive adhesive and has a peel strength in the range from about 0.4 to about 0.9 pounds per inch. Support for this amendment is found, for example, in original claims 4 and 5.

Claims 27 and 31 are amended to specify that the releasable adhesive is a pressure-sensitive adhesive. Support for this amendment is found, for example, in original claim 5.

Claim 31 is amended to more clearly recite the relationship between the first and second adhesive layers and the portions of the walls of the container to which these layers are adhered, in response to the Examiner's contention that the relationship was not clear in the claim as previously pending.

Claim 32 is amended to more clearly recite that the resealable closure is on a container, in response to the Examiner's contention that the relationship of the closure to the container was not clear in the claim as previously pending.

Applicant submits herewith a proposed revised new drawing sheet, including redrawn Figs. 3, 4 and 5, and new Figs. 3-Inv, 4-Inv, 5-Inv and 18, in response to the Examiner's requirements. No new matter is contained in these drawings. The contents of these drawings are discussed in more detail below.

The specification has been amended to include appropriate reference to the new drawings.

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### Drawings

In response to the Examiner's comments relating to the drawings, Applicants respond as follows. Applicants submit herewith one replacement sheet, marked in accordance with 37 CFR 1.121(d) as "REPLACEMENT SHEET".

The Examiner contends that "lower surface of the second adhesive adhered to the extended body portion and the upper surface of the first adhesive adhered to the main body portion" as recited in claim 1 was not shown. Applicants note that this is nothing more than an inversion of the layers shown, for example, in Figs. 3, 4 and 5. Applicants respectfully submit that any person of ordinary skill in the art could have understood this from the drawings, from the description in the specification at page 56, lines 15-17, and from the claim language itself. However, in order to advance prosecution of the application, Applicants submit herewith a new drawing sheet depicting this inverted arrangement of layers. Fittingly, the new drawings are referred to as "Inv". In the newly submitted drawing sheets, Figs. 3, 4 and 5 are simply redrawn with no changes. Figs. 3-Inv, 4-Inv and 5-Inv correspond to Figs. 3, 4 and 5, except that the layers are inverted. The specification has been amended both in the drawing description at page 5 and at page 56, following line 17, to include reference to the new figures. No new matter is included.

The Examiner noted that no drawing showed an adhesive layer including microspheres. While Applicants do not consider that such a drawing is necessary to an understanding of such an embodiment, in order to advance prosecution of the application, Applicants submit herewith a new Fig. 18 which includes the layers of the resealable closure in which the releasable adhesive is shown schematically to include microspheres. In addition, the specification in the drawing description at page 6 and at page 57 have been amended to include a brief reference to Fig. 18. No new matter is included.

Finally, the Examiner contended that the releasable adhesive adhered to the extended body portion, as in claims 15 and 26, was not shown. Applicants respectfully submit that this is shown in the new Figs. 3-Inv, 4-Inv and 5-Inv. As noted elsewhere herein, there is nothing that requires that the releasable adhesive be directly adhered to the extended body portion.

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Accordingly, Applicants respectfully request the Examiner to withdraw the objections to the drawings.

**Rejections Under 35 USC 112, First Paragraph**

The examiner contends that the claimed feature "peel strength up to about one pound per inch," the specification does not support this. The Examiner is mistaken. This language is clearly supported at page 55, lines 16-23, and in the claims as originally filed.

Accordingly, Applicants respectfully request the Examiner to withdraw the rejection on this ground.

**Rejections Under 35 USC 112, Second Paragraph**

The examiner noted that the preamble of the dependent claims varied from the preamble of the independent claims. Appropriate ones of the dependent claims have been amended to correct this variance.

The Examiner contends that "wherein the container is free of a reclosure strip" appears to contradict claim 1, which recites "a resealable closure". There is no contradiction. As noted in the paragraph bridging from page 3 to 4, prior art bags included devices such as reclosure strips, which are separate strips, like adhesive tape, used to reclose containers, or to hold containers closed that lack a resealable closure and had been opened. Accordingly, Applicants submit there is no indefiniteness.

The Examiner next contends that the releasable adhesive being adhered to the extended body portion or the main body portion, in claims 15 and 18, is inconsistent with claim 1, which recites that the first and second adhesives being adhered to these parts. Applicants note that there is nothing in claims 15 and 18 that states, suggests or requires that the releasable adhesive is directly adhered to the extended body portion or the main body portion. Accordingly, Applicants submit there is no indefiniteness.

The Examiner next contends that claim 31 is indefinite for two reasons that are in actuality part of the same contended lack of definition. Applicants note that the claim first recites there is a plurality of walls, then recites that the releasable closure is adhered to a first of the plurality of walls, then describes the releasable closure in a way that makes

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clear that the outer surfaces of the releasable closure are formed by a surface of the first adhesive and a surface of the second adhesive. The claim has been amended to clarify that one of the first and second adhesive layers are adhered to opposing ones of the plurality of walls. Accordingly, Applicants submit there is no indefiniteness in this claim.

The Examiner contends that claim 32 is indefinite because it is unclear whether the closure alone or the combination of the closure and container are being claimed. Since it is clear from the remainder of the claim that the container is needed to define the closure, the claim has been amended to replace "for a container" with "on a container". Accordingly, Applicants submit there is no indefiniteness in this claim.

The Examiner contends that claims 10 and 11 are indefinite because "the release surface" lacks antecedent basis in the claims from which claims 10 and 11 depend, i.e., claim 1. These claims are amended to recite a "release liner" instead of a "release surface".

Accordingly, Applicants respectfully request the Examiner to withdraw the rejections on these grounds.

#### **Rejections over Prior Art**

Claims 1-3, 5, 6, 9-11, 15-18 and 32 stand rejected as anticipated by Laurence et al. Claims 1-3, 6, 9-11, 15-18 and 32 stand rejected as anticipated by Thrall '448. Claims 1-3, 5, 6, 9-11, 15-18 and 32 stand rejected as anticipated by Thrall '541. Claims 32-35 stand rejected as anticipated by Kobe et al.

Claims 4, 19, 20, 22, 24, 25-31, 33 and 34 stand rejected as obvious over Laurence et al. and Kobe et al. Claims 4, 19, 20, 22, 24, 25-31, 33 and 34 stand rejected as obvious over Thrall '448 and Kobe et al. Claims 4, 19, 20, 22, 24, 25-31, 33 and 34 stand rejected as obvious over Thrall '541 and Kobe et al. Claim 12, 13 and 23 stand rejected as obvious over Laurence et al. and Thrall or Thrall or these references together with Kobe et al.

Applicants respectfully traverse all of the foregoing rejections over the asserted combinations of prior art. All of the presently pending claims specify that the releasable adhesive is a pressure-sensitive adhesive having a peel strength either in the range from about 0.4 to about 0.9 pounds per inch or up to about one pound per inch. None of the

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prior art references disclose such a combination of features. Laurence et al., Thrall '448 and Thrall '541 all fail to disclose or suggest that the adhesive would or could have a peel strength in the claimed range. Kobe et al., although contended by the Examiner to have a peel strength in this range, not only fails to disclose or suggest that the material is a pressure-sensitive adhesive, but specifically and repeatedly distinguishes its material from a pressure-sensitive adhesive. Applicants have previously discussed this fact in detail so do not elaborate further thereon here.

Accordingly, Applicants respectfully submit that the presently claimed invention fully patentably distinguishes over the prior art generally and over the specific prior art and combinations thereof cited and relied upon in the Office action to which this Reply is responsive.

#### Conclusion

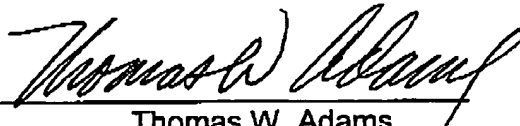
Based on the amendments to the specification, drawings and claims submitted herein, Applicants respectfully submit that the present application is in condition for allowance. Notice to such effect is requested.

In the event issues arise as a result of the filing of this paper, or remain in the prosecution of this application, Applicants request that the Examiner telephone the undersigned attorney to expedite allowance of the application. Should any additional fees be required for the filing of this paper, the Commissioner is authorized to charge those fees to Deposit Account #18-0988, Docket No. AVERP3012US.

Respectfully submitted,  
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